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**R704. Public Safety, Comprehensive Emergency Management.**

**R704-2. Statewide Mutual Aid.**

**R704-2-1. Authority.**

Under Title 53, Chapter 2, Statewide Mutual Aid Act, this rule establishes the required comprehensive procedures, implementation elements, deployments and also refers to other guidelines, forms, and tables necessary to interpret and implement the above referenced Act.

**R704-2-2. Definitions.**

(1) Terms used in this rule are defined in Section 53-2-502.

(2) In addition:

(a) "authorized representative" means an officer or employee of a participating political subdivision empowered to request, offer, or provide assistance;

(b) "mutual assistance agreement" means a contract between two participating political subdivisions wherein a providing political subdivision agrees to provide specific resources under the terms and conditions of the agreement to a responding political subdivision.

(c) "Utah Statewide Mutual Aid Assisting Coordinator (SMAAC)" means a designated division representative functioning as the coordinator of all Statewide Mutual Aid Act related transactions between the responding political subdivisions and requesting political subdivisions.

(d) "State of Utah Emergency Operations Center (EOC)" means the facility which assists state agencies and political subdivisions to coordinate when local emergency response and recovery resources require supplementation. The division operates the EOC.

**R704-2-3. Purpose.**

The purpose of this rule is to set forth the process whereby the Division of Homeland Security of the Utah Department of Public Safety coordinates, via committee, the interactions of Utah's political subdivisions, public safety districts, and emergency responders in the area of preparing for and assisting one another during disasters and widespread emergencies.

**R704-2-4. Statewide Mutual Aid Committee**

(1) Appointed members to the committee shall serve staggered terms to avoid the entire committee membership from turning over simultaneously.

(2) Participating political subdivisions shall provide an annual report to the committee and the report shall contain the following:

(a) the status of each mutual assistance agreement between participating political subdivisions;

(b) any progress of activity between each participating political subdivision concerning preparations for a disaster or emergency; and

(c) records concerning any resources and other similar developments of each participating

political subdivision;

(3) The authorized representative shall deliver the annual report to the committee no later than the beginning of each fiscal year. The report shall be clear, concise, detailed, and professional to accommodate the requirements of the committee under Subsection 53-2-503(2).

(4)(a) Within ten days of the termination of any Statewide Mutual Aid Act assistance, the requesting political subdivision shall prepare an After-Action Report (AAR) of the incident and provide copies to each responding political subdivision and to the SMAAC.

(b) The AAR shall include an Incident Status Summary (ICS Form 209), lessons learned, and recommendations for improving the entire statewide mutual aid system.

(5) The committee, in developing comprehensive guidelines and procedures that address projected or anticipated costs or responding to emergencies, incorporates by reference, through Rule R704-2, the Utah Department of Public Safety, Division of Homeland Security's following forms:

(a) Utah State Mutual Aid Act – Resource Request Form (date published/version);

(b) Utah State Mutual Aid Act – Inter-jurisdictional Reimbursement Form (date published/version);

(c) Statewide Mutual Aid Compact (SMAC) Demobilization/Return of Assets Guidelines (date published/version); and

(d) SMAC Personnel Demobilization Schedule (date published/version).

(6) Copies of these forms and tables are available at the division office and also at Division of Administrative Rules for public inspection.

#### **R704-2-5. Withdrawal from the Statewide Mutual Aid System**

(1) Under Section 53-2-504, a political subdivision may withdraw from the statewide mutual aid system. A majority vote of the governing commission or council, if one exists, or in the absence of this commission or council, the executive authority shall make this withdrawal.

(2) The withdrawal shall be in the form of a written resolution declaring the political subdivision's desire not to participate and shall be delivered to the director whereupon the declination shall be effective 20 days after delivery.

(3) Absent any affirmative withdrawal, each political subdivision shall be considered to be a participating political subdivision for purposes of the Statewide Mutual Aid Act.

#### **R704-2-6. Requests for Disaster Assistance and Procedures for Provision of Mutual Aid**

(1)(a) When providing assistance pursuant to mutual assistance agreement, the requesting political subdivision shall control and supervise the personnel, equipment, and resources of any responding political subdivision.

(b) The requesting political subdivision shall advise supervisory personnel of the responding political subdivision concerning assignments.

(c) The responding political subdivision shall:

(i) maintain daily personnel time records, material records, and a log of equipment hours;

(ii) be responsible for the operation and maintenance of the equipment and other resources furnished by the responding political subdivision; and

(iii) report work progress to the requesting political subdivision.

(d) The responding political subdivision's personnel and other resources shall remain subject to recall by the responding political subdivision at any time subject to reasonable notice to the requesting political subdivision.

(e) The responding political subdivision shall provide at least twenty-four hours advance notice of intent to withdraw personnel or resources to the requesting political subdivision. If this time frame is not practicable, the responding political subdivision shall provide sufficient notice of intent that is practicable.

(2)(a) Unless otherwise delineated, the requesting political subdivision shall provide food and housing for the personnel of the responding political subdivision from arrival at the designated location until departure.

(b) However, the responding political subdivision shall be, to the greatest extent possible, self-sufficient while assisting. The requesting political subdivision may specify only self-sufficient personnel and resources in the mutual assistance agreement.

(3) Unless otherwise delineated, the requesting political subdivision shall coordinate communication with its own personnel and the personnel of the responding political subdivision. The responding political subdivision shall furnish equipment to communicate among its respective operating units.

(4) The procedures for requesting assistance under the Statewide Mutual Aid are as follows:

(a) the requesting political subdivision requests assistance from the SMAAC for an emergency or disaster "event";

(b) this information is opened on the EOC web page;

(c) the SMAAC assigns a "mission number" to the emergency or disaster event;

(d) the SMAAC assists the requesting political subdivision to find needed equipment and personnel from a participating political subdivision; and

(e) a mutual assistance agreement is entered into and signed by both the requesting political subdivision and the responding political subdivision prior to aid being provided.

#### **R704-2-7. Reimbursable Expenses**

(1) (a) Unless otherwise specified in the mutual assistance agreement, during the event, the responding political subdivision shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations.

(b) The requesting political subdivision shall reimburse the responding political subdivision for direct payroll costs and expenses incurred during the event.

(2) The requesting political subdivision shall reimburse the responding political subdivision for use of the equipment of the responding political subdivision used during the event. The participating political subdivision shall maintain its own equipment in safe and operational condition.

(b) If practicable and at the request of the responding political subdivision, the requesting political subdivision may provide fuels, miscellaneous supplies, and minor repairs.

(3)(a) Unless the damage is caused by gross negligence, bad faith, or willful misconduct by the responding political subdivision, the requesting political subdivision shall reimburse the

responding political subdivision for all materials and supplies exhausted or damaged during the event.

(b) In the alternative, the parties may agree that the requesting political subdivision shall replace, with like kind and quality as determined by the responding political subdivision, the materials and supplies exhausted or damaged.

#### **R704-2-8. Reimbursement Procedures under Mutual Aid**

(1)(a) The requesting political subdivision shall reimburse the responding political subdivision for deployment-related costs pursuant to the mutual assistance agreement.

(b) In order to be eligible for reimbursement, all costs shall be well documented and sufficiently detailed in the mutual assistance agreement.

(2) The mission number assigned by the SMAAC assures the responding political subdivision that all participating parties have duly recognized the event. The mission number also provides an identification element for the accounting of all related costs.

(3)(a) Within ten days of termination of statewide mutual aid assistance, the responding political subdivision may provide notice to the requesting political subdivision of the responding political subdivision's intent to seek reimbursement.

(b) Notification shall include a brief summary of the following:

(i) services provided;

(ii) an estimated total amount requested; and

(iii) an official point-of-contact or financial representative responsible for the request.

(c) The requesting political subdivision shall acknowledge receipt, in writing, of each notification from the responding political subdivision and shall provide copies of any notification and reply to the SMAAC.

(4) When the notification requirements of Subsection R704-2-8(3) are satisfied, within 30 days of termination of statewide mutual aid assistance, the responding political subdivision may then submit a request for reimbursement to the requesting political subdivision.

(a) This request for reimbursement shall include a cover letter that summarizes the assistance provided under the mutual assistance agreement.

(b) The request for reimbursement shall also include the following:

(i) a copy of the mutual assistance agreement with authorizing signatures;

(ii) a single comprehensive invoice listing resources provided with the total cost; and

(iii) supporting documentation including copies of individual invoices, travel claims, vouchers, and other similar items.

(c)(i) Due to unanticipated circumstances arising during the event, the original mutual assistance agreement may need amendment or supplementation. When practicable, this shall be accomplished by proper request, agreement, and authorizing signatures.

(ii) The request for reimbursement shall include any of these substantive changes to the original mutual assistance agreement accompanied by the associated costs and respective supporting documents.

(5)(a) The SMAAC or designee shall record all reimbursement and deployment-related documents including the original mutual assistance agreement to final payment from the requesting political subdivision.

(b) The SMAAC shall coordinate with both parties to encourage and facilitate proper reimbursement. The SMAAC may provide reminder notices in anticipation of due dates including the notifications required under Subsections R704-2-8(3) and R704-2-8(4).

(c) The division [or committee] may designate a financial representative to monitor and provide guidance to participating political subdivisions concerning reimbursement.

(6)(a) The requesting political subdivision shall reimburse the responding political subdivision no later than 120 days from the date of receiving the notice under Subsection R704-2-8(3).

(b) However, a responding political subdivision may waive, in writing, any rights to reimbursement under Sections 53-2-507 and 53-2-508.

(i) Waiver of any reimbursable right shall specify each item waived in order to provide notice to the requesting political subdivision and the SMAAC.

(ii) Waiver of any reimbursable right shall be delivered to the requesting political subdivision with a copy delivered to the SMAAC no later than 10 days following the event.

(7)(a) Disputes over reimbursement shall first be addressed by the responding political subdivision and requesting political subdivision within 30 days after either party provides notice of the dispute.

(b) Every reasonable effort including communication, mediation, research, and compromise shall be incorporated to resolve the dispute during this period.

(a) Procedures for dispute resolution shall include the following:

(i) if applicable, the complaining party shall cite the specific provision of the mutual assistance agreement allegedly breached or in question;

(ii) the written summary shall include a concise description of the dispute accompanied by any supporting documentation; and

(iii) the complaining party shall clearly justify the remedy sought.

(c) When the dispute remains after 90 days, either party may submit the dispute to the committee in writing.

(i) The committee shall allow each party opportunity to be heard concerning the dispute.

(ii) The committee, upon a quorum vote, shall then make a decision on the dispute which shall be final.

**KEY: statewide mutual aid, financial reimbursement, political subdivisions**

**Date of Enactment or Last Substantive Amendment: \_\_\_\_\_**

**Notice of Continuation: \_\_\_\_\_**

**Authorizing, and Implemented or Interpreted Law: 53-2-501 through 510**

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